





ale, and at the Surveyor-General's Office in  
7.—*Times's Government Gazette.*







was glad that the whole matter was to be submitted to the consideration of a select committee. It was thought, and it was wise that it should ultimately be determined whether or not it was prudent, and what, should be proposed in the law if it present stood. Upon these grounds therefore he would vote in favour of the motion.

Mr. JAMES M. AYLIN, in reply, said, although it had been stated by previous speakers that the House had calculated to interfere with the course of justice, he must say he did not see how that could follow; did not consider that the adoption of the motion would have any effect in not the least upon the question about to be submitted to the Executive Council, and he was in any way affected by it. It was not because at some part of the law as it at present stood was that the whole was at fault, but it was too much a habit of following in the old beaten path, and without supposing for an instant that improvement could be made appear easy to a reflective mind, he would suggest and carry out, especially in the case of a new country, more improvements in the practice and forms of law would more easily be carried out than in old countries. With reference to the law in England too much weight was attached to the population of the country, being as it was stated, the cause of the difficulty in carrying out of the same laws. That was a groundless objection, for in every country there were solitary places sufficient extent to perpetrate the offence so often added to without fear of immediate discovery. It was not the population of the country, but the fact that, because this country was large and but thinly populated, that an offence here should be punished in death that was not similarly punished in other countries. He hoped the hon. member would not make the motion on such grounds but let the matter come fairly before the House through the report of a select committee appointed for the purpose. The hon. member was not aware of the Solicitor-General's position, it appeared, was principally because he considered the present an inopportune moment to introduce such a motion. If a change was necessary at all—and there was necessity for a change had not been demonstrated—there was no time required to make it, and soon; and, for his own part, he was desirous that the whole matter should be surrendered into the hands of the hon. and learned members the Attorney-General and the Solicitor-General. The latter hon. member did not seem to have any objection to an inquiry sought for by the motion. The principles at had been laid down, and the arguments used in favour of the motion, entitled it to the consideration of the House, and he would prefer, and he so conceived it would be the better course, to leave the whole question debated before a full House, and a bill constructed upon the recognised principles of the House in such matters. He would not discuss the duties of the Attorney-General as to the desirability of combining the office of Crown Prosecutor with that of the duties of a grand jury, as he was not necessary for combining them in all one person. The fact of the matter, however, was, that when the hon. and learned member the Attorney-General advised a prosecution, he undertook the duty of a prosecutor with his mind inevitably biased in accordance with his own view and his own part in the matter. He should, however, always support his own view of the matter, and he would repeat that the only way to do justice in such cases was to allow the prosecutor himself to be placed in the witness box and sworn as a man, and to be subjected to the same duties as being in the dock as a criminal. Then, when confronted with an accuser, and as a man unstained by previous crime, he would be enabled to defend himself against the charge of an accuser. At the present time men's lives were painfully imperilled by the fact that their lives were in jeopardy from any false accuser, but when the change contemplated by the motion was carried out, they would be placed in the witness box, and such, that they would throw around them the protection of the law and laws, by which, if innocent, they would be able to refute the charge of any accuser who might

ceived it would be the better plan to leave the question debated before a full committee, and a bill constructed upon the recognized facts of the House. The speaker was desirous to detain the House by going into the question as to the advisability of combining the office of Crown Prosecutor with that of the duties of a grand jury, as he thought for no reason that it was worth one person's honor. The fact of the matter, however, was, that when a honorable and learned member the Attorney-General advised a prosecution, he undertook the duty of a prosecutor, with his mind inevitably biased in favor of the Government, while the other side was left without help in the matter. He should, however, always support his own view of the matter, and he would repeat that the only way to do so was to have the cases tried by a jury, who were placed in the witness box and sworn as to what they saw or heard. If a man was degraded by being placed in dock as a criminal. Then, when confronted with a juror, and a juror, a man maintained by previous knowledge, he would be enabled to defend himself against the charge of an accuser. At the present time men's minds were painfully impressed with the notion that their lives were in jeopardy from any false accusation, and the change contemplated in the motion was carried out, they would find the administration of justice was such, that withdrew around them the protection of good and honest men, which, if absent, they would be obliged to retain the charge of an accused man might be able to defend himself. He hoped the enquiry would be decided by the House.

The motion was then put, and passed.

**PETITIONS.**

A petition from certain guardians of her Majesty's subjects in the colony of New South Wales.—  
A. NICHOLS presented the following petitions:—  
1. A petition from John Giblett, of Cusgrove Creek, Mary's, in the county of Cumberland, representing that he destroyed 124 sheep, under the provisions of the Act, within fourteen days from the date of May laid down in the Act, and that he refused to grant him a certificate, to enable him obtain compensation for such destruction, on the ground that no particular power had been inserted in the Act, and no notice given, and that the Petition bore reference to the select committee on the ab Act.

A petition from certain guards of her Majesty's subjects in the colony of New South Wales.—  
The guardian of their pay, and praying relief.—  
Petition received.

A petition from James Pegg, representing that he was employed as a member of one of the Her Majesty's Companies; that, as a number of others on him at Banks' Meadows, but being unable to activate it in consequence of the swamp at Botany Bay, he was then drained, he had to seek employment in another place, and the ground was resumed by the Crown, and praying relief.—Petition received.

**BOTANIC GARDENS.**

A. NICHOLS said he apprehended no opposition to the motion he was about to make, which was as follows:—That a address be presented to the Governor-General, praying that the Government may cause to be laid on the table of this House copies of all correspondence between the late committees for the management of the Botanic Gardens at Sydney, Melbourne, Adelaide, and Perth, and the resignation of those bodies, and of all correspondence between the Director of the Botanic Gardens and the Government on the same subject, and a copy of the instructions issued to the Director of the Botanic Gardens for his guidance in the performance of his duties. In selecting these documents, he would simply state that the committee now sitting on this matter found it neces-

have these documents before them.  
**SYDNEY INSURANCE COMPANY.**  
 Mr. PARKES moved, "That the Sydney Insurance Company's Bill be referred for the consideration and report of a select committee. That such committee consist of Mr. Barker, Mr. Campbell, Mr. Cowper, Mr. Lloyd, and Mr. Nichols."  
 Carried.  
**DUKE AND DOWLING STREETS.**  
 Mr. PARKES moved "That the petition of the inhabitants of Duke and Dowling streets, presented by the 8th instant, complaining that the City Commissioners have neglected to level or improve the streets, be referred to the select committee on the City Commissioners' Department." He said the petition was signed by the inhabitants of the streets of Duke and Dowling, where there was heavy runs the houses in those streets were in danger of being washed away; indeed, the last heavy rains a newly-erected house had been carried away in the middle of one of these streets. There was a large pond of water which could escape, owing to the large mounds of earth which surrounded it; this was one of the many cases of back streets being thus neglected, and he hoped these would be attended to.  
 Mr. NICHOLS was asked to say a word or two on this subject; he did not apprehend that there would be any objection to these matters being referred to the select committee. He said that if his son friend had referred to the Act of Parliament he would have found that the people themselves were obliged to make the street before the Commissioners expended money on it. The whole amount raised by taxation from Duke and Dowling streets was £100, and they were expected the Commissioners to lay out £100 or two thousand pounds on their street, but it was business of the inhabitants themselves; but there did be no objection to the matter being referred to the select committee, and they would refer to the Act, and this to be the case. They would recollect that commissioners had a short time since undertaken work something similar to this, when they called on the inhabitants to pay for it, and they had promised, if they were asked, that they could not be compelled; it was, therefore, necessary for the commissioners to act with considerable caution in these matters.  
**POSTPONEMENTS.**  
 Mr. Darvall's motion, with regard to the increase of the salary of the Governor, postponed till this day next week.  
 Mr. Cowper's motion with regard to the dismissal of the Colonial Agent, Edward Barnard, Esq., postponed till Friday week.  
 Mr. Murray's notice for the papers relative to the application for making the proposed road from Woodwood to River Clyde, and as to the most favourable site on that river for a town, postponed till to-morrow.  
 The second reading of the Medical Practitioners' Bill, postponed till this day fortnight.  
 The House adjourned at ten minutes past seven o'clock, till three o'clock to-morrow.







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